



**Kosgei v Republic (Revision Case E087 of 2023)
[2023] KEHC 22017 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22017 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E087 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ROBIN KOSGEI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The Applicant, Robin Kosgei was convicted for the offence of being in possession of cannabis sativa contrary to section 2(1) as read with section 3 (1) of the [Drugs and Psychotropic Substances Act](#) of the [Penal Code](#) and sentenced to serve 1-year imprisonment on April 26, 2023.
3. He has so far served about 5 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Antony Kihato recommends Community Service at Cheptuech Primary School for the remainder of his sentence.
5. The report further states that the convict, upon release from prison, plans to go back and live with his father who will provide food, shelter and clothing for him till he becomes stable and finds a job.
6. The report states that the convict did not undergo any formal training while in prison but attended bible study and has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.



7. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order the Convict/Applicant be released from prison forthwith and be placed on Community Service at Cheptuech Chief's Camp for the remainder of his sentence. He shall be closely supervised by the School's duty officer who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Molo who shall monitor the behaviour of the convict for the remainder of the sentence.
8. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.
9. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

